

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD L. PALMER,

Defendant.

Case No. 19-03023-CR-S-MDH

MOTION FOR DETENTION

The United States of America, by and through its undersigned counsel, moves this Court to order the detention of the defendant, Richard L. Palmer, and states the following in support of the motion:

1. An indictment has been filed charging Mr. Palmer with being a felon, in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). As such, Mr. Palmer faces a maximum sentence of ten years' imprisonment.

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions "will reasonably assure the appearance of such person as required and the safety of any other person and the community" if the attorney for the Government moves for such a hearing and the case involves:

"(E) any felony that is not otherwise a crime of violence that involves...the possession or use of firearm...." In this regard, the facts and circumstances which the government anticipates will be proven at trial in this matter are as follows:

On October 19, 2018, ATF Task Force Officer Chris Barb reviewed Springfield Police Report #18-37895 and Greene County Sheriff's Report 18-5854, concerning Richard PALMER, being a felon in possession of a firearm. On September 21, 2018, Springfield Police Officers and Greene County Deputies

attempted to stop a red, Chevrolet truck, for a traffic violation near the intersection of Glenstone Ave. and Commercial St. in Springfield, Greene County, Missouri, in the Western District of Missouri.

The driver of the truck failed to stop for officers and a male passenger of the truck jumped out and fled on foot. Greene County Deputy R. Devost pursued the male who fled on foot. Deputy Devost saw the male subject fall to the ground and an item that appeared to be a firearm fly into the air as the subject fell. Deputy Devost and Springfield Officer B. Thompson detained the subject and identified him as Richard PALMER. Deputy Devost and Officer Thompson identified the item Deputy Devost observed as a Smith and Wesson, SD9VE, 9mm pistol (S/N: FZD6114). The firearm was collected as evidence and retained by the Springfield Police Department. Officers discovered PALMER was a convicted felon and prevented from legally possessing a firearm.

On September 21, 2018 at approximately 2300 hours, Officer Thompson was conducting patrol in the area of Turner St. and Delaware Ave. Officer Thompson observed a red 2017 Chevrolet truck (MO license 0HP022) parked on the street in front of 1613 E. Turner. Officer Thompson was familiar with this address due to past criminal activity at the location. Officer Thompson determined the license plate displayed on the truck was registered to a Charles Terrill who had a possible municipal warrant for his arrest. Officer Thompson saw a male subject exit the residence and enter the truck. He was unable to determine if the driver was Terrill.

Officer Thompson followed the truck as it left the address. Officer Thompson observed the truck make a lane change near the intersection of Glenstone Ave. and Commercial St. without the driver signaling the lane change. Officer Thompson activated the emergency lights on his patrol vehicle to initiate a traffic stop on the truck. Officer Thompson followed the truck as it turned east onto Blaine St. Officer Thompson observed the truck slow down and pull to the side of the road. Officer Thompson stated the truck did not come to a stop but instead turned north onto Nias Ave. Officer Thompson reported the truck sped up and he activated the siren in his patrol vehicle. Officer Thompson reported the driver of the truck did not stop.

Officer Thompson observed a Greene County Deputy behind him and he pulled to the shoulder to allow the Deputy to pass. The Greene County Deputy, later identified as Deputy Devost, began to pursue the truck. Officer Thompson observed a male passenger in the truck, later identified as Richard PALMER, flee from the truck on foot near 1935 E. Florida St. Officer Thompson saw PALMER run northbound into a parking lot at the location and Deputy Devost pursued PALMER who fled on foot. The driver of the truck continued driving and was last seen westbound on Florida St.

Officer Thompson followed Deputy Devost. Officer Thompson observed Deputy Devost, outside his vehicle, giving verbal commands to PALMER near the northwest corner of the building. Officer Thompson observed PALMER lying face down on the pavement with a taser next to him. Officer Thompson placed PALMER in handcuffs and detained PALMER. PALMER had a laceration to his forehead as a result of his fall.

Officer Thompson spoke with Deputy Devost who stated PALMER fell to the ground when he rounded the corner of the building. Deputy Devost told Officer Thompson that PALMER tried to get up and run but he gave him commands to lie prone on the ground. Officer Thompson looked in the area where Deputy Devost saw PALMER fall. Officer Thompson located a loaded Smith and Wesson, 9mm handgun (S/N: FZD6114) on the ground where PALMER fell. The gun was collected and logged into the Springfield Police Department property room as evidence.

Officer Thompson ran PALMER for warrants and he discovered none. Officer Thompson did determine PALMER was a convicted felon and was prevented from possessing a firearm. PALMER was arrested and ultimately transported to the Greene County Jail.

On the date in question, Greene County Deputy Devost was working an off-duty assignment at 2000 E. Commercial St. Deputy Devost heard radio traffic concerning Officer Thompson's attempted traffic stop near his location. Deputy Devost heard Officer Thompson notify Police Dispatch that the driver of the truck he was attempting to stop was failing to stop for him. Deputy Devost heard Officer Thompson report the truck was northbound on Nias Ave. Deputy Devost observed the truck and Officer Thompson pass his location. Deputy Devost activated the emergency lights of his patrol vehicle and pulled in behind Officer Thompson. Officer Thompson pulled to the side of the road and Deputy Devost began to pursue the truck.

Deputy Devost saw the truck turn on East Florida St. Deputy Devost saw an adult white male (later identified as PALMER), wearing jeans and a leather coat, exit the truck and begin running on foot northbound in a parking lot of a private business. Deputy Devost followed PALMER in his patrol vehicle. Deputy Devost saw PALMER run around a corner of building at this location and fall face first onto the ground. Deputy Devost observed PALMER's black ball cap and a black object that resembled a firearm fly into the air as PALMER fell. Deputy Devost exited his patrol vehicle and observed PALMER attempt to crawl away from him. Deputy Devost detained PALMER at gunpoint until Officer Thompson arrived and placed PALMER in handcuffs. Deputy Devost documented PALMER was searched incident to arrest and a wallet and stun gun were found on his person. Deputy Devost reported that the recovered firearm and items located on PALMER were turned over to Springfield Police Officers.

Thereafter, Case Agent Chris Barb compiled certified copies of six felony convictions occurring before September 21, 2018 and one felony which was committed after this date, and who also successfully test fired the weapon described in the indictment, and determined with SA Brian Fox that this weapon had been manufactured outside the state of Missouri. In this regard, PALMER'S prior criminal history can be summarized as follows:

May 15, 1985, Felony Conviction for First Degree Robbery – Laclede County Circuit Court, Missouri. Case No. CR484-540-FX – Sentenced to 15 years custody Missouri Department of Corrections.

May 15, 1985, Felony Conviction for Armed Criminal Action – Laclede County Circuit Court, Missouri. Case No. CR484-540-FX – Sentenced to 5 years custody Missouri Department of Corrections.

March 15, 2006, Class C Felony Conviction for Possession of Controlled Substance – Laclede County Circuit Court, Missouri. Case No. 06LA-CR00178-01 – Sentenced to 4 years custody Missouri Department of Corrections.

January 5, 2006, Class C Felony Conviction for Possession of Controlled Substance – Phelps County Circuit Court, Missouri. Case No. 25R03040936F-01 – Sentenced to 5 years custody Missouri Department of Corrections.

December 16, 2011, Class C Felony Conviction for Possession of Controlled Substance – Greene County Circuit Court, Missouri. Case No. (1131-CR07327-01) Sentenced to 7 years custody Missouri Department of Corrections.

December 16, 2011, Class C Felony Conviction for Unlawful Possession of a Firearm, Greene County Circuit Court, Missouri. Case No. 1131-CR03539-01 – Sentenced to 7 years custody Missouri Department of Corrections.

November 5, 2018, Class C Felony Conviction for Possession of Controlled Substance – Webster County Circuit Court, Missouri. Case No. 18WE-CR00824-01 – Sentenced to 7 years custody Missouri Department of Corrections.

3. The United States submits based on the foregoing, that there is clear and convincing evidence that there are no conditions that the Court could place on Mr. Palmer's release that would reasonably assure his appearance in Court and the safety of the community. *See* the factors to be

determined pursuant to 18 U.S.C. § 3142(g) including: (1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons. Because of this, the United States requests that a detention hearing be held and that Mr. Palmer be detained. *See generally, United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986); *United States v. Warren*, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a detention hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of Mr. Palmer.

Respectfully,

Timothy A. Garrison
United States Attorney

By /s/ William L. Meiners
William L. Meiners
Assistant United States Attorney
Missouri Bar No. 28263
500 Hammons Tower
901 St. Louis Street
Springfield, Missouri 65806
(417) 831-4406

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on February 20, 2019, to the CM/ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ William L. Meiners

William L. Meiners

Assistant United States Attorney